

APPLICANTS: Ward et al.  
SERIAL NO: 10/719,370

DOCKET NO: PTS-0070US.P1 (ISIS.038CP1)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Docket No.: PTS-0070US.P1 (ISIS.038CP1) Customer No.: 55389  
Applicants: Ward et al. Confirmation No.: 3593  
Serial No.: 10/719,370 Group Art Unit: 1635  
Filed: November 21, 2003 Examiner: Zara, Jane J.  
Title: MODULATION OF HIF1 $\alpha$  AND HIF2 $\alpha$  EXPRESSION

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner:

## DECLARATION PURSUANT TO 37 C.F.R. § 1.131

I, Eric G. Marcusson, residing at 260 King Street #727, San Francisco, CA 94107, a citizen of the United States of America, do declare and state that:

1. I am an inventor of the subject matter claimed in the above-identified application.
2. I have reviewed the specification and claims as filed as well as the amended claims and new claims appearing in the response submitted herewith.
3. I have reviewed the Office Action mailed June 27, 2006. I understand the Examiner rejected claims 1, 3-8, 22-25, 33, 37 and 44 under 35 U.S.C. § 102(e) as being anticipated by Usman *et al.* (WO 2005/035759).
4. This declaration is being submitted to establish that the subject matter described and currently claimed in the above-referenced patent application was conceived by me and reduced to practice in the United States prior to August 20, 2003, which is the earliest date to which the Usman *et al.* reference claims priority. In support of this conception and reduction to practice, a copy of a page from my laboratory notebook is provided herewith as Exhibit A. Dates and information not related to the completion of the claimed invention have been redacted. The